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## THE UNITED STATES PATENT AND TRADEMARK OFFICE

CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTALSubmit an original and a duplicate for fee processing  
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))CHECK BOX, if applicable  
 DUPLICATE

Address to:	Attorney Docket No. of Prior Application	128019200201
Assistant Commissioner for Patents	First Named Inventor	H. F. Maassab
Box CPA	Examiner Name	J. Parkin
Washington, D.C. 20231	Group Art Unit	1641
	Express Mail Label	EL 561 390 705US

NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

This is a request for a  continuation or  divisional application under 37 C.F.R. § 153(d), (continued prosecution application (CPA)) of prior application number 08/573,569 filed on December 14, 1995, entitled **Cold-Adapted Influenza Virus**.

1.  Enter the unentered amendment previously filed on \* under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior application:
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

CLAIMS				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. §1.16(c) or (j))	13 - 20 =		x \$ * =	\$
IND. CLAIMS (37 C.F.R. §1.16(b) or (i))	5 - 3 =	2	x \$ 78.00 =	156.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR §1.16(d))			+ \$ * =	
			BASIC FEE (37 C.F.R. §1.16)	\$ 690.00
			Total of above Calculations =	846.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28)				
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				
TOTAL = \$ 846.00				
6. Small entity status: a. <input type="checkbox"/> A small entity statement is enclosed, if (b) and (c) do not apply. b. <input type="checkbox"/> A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired. c. <input checked="" type="checkbox"/> Is no longer claimed.				
7. The Commissioner is hereby authorized to credit any overpayments or charge underpayments of the following fees, including any necessary fees for extension of time to Deposit Account No. 50-0974. a. <input checked="" type="checkbox"/> Fees required under 37 C.F.R. § 1.16. b. <input checked="" type="checkbox"/> Fees required under 37 C.F.R. § 1.17 c. <input checked="" type="checkbox"/> Fees required under 37 C.F.R. § 1.18.				
8. <input type="checkbox"/> A check in the amount of \$423.00 is enclosed.				
9. <input type="checkbox"/> New Attorney Docket Number, if desired * [Prior application Attorney Docket Number will carryover to this CPA <u>unless</u> a new Attorney Docket Number has been provided herein.]				
10. a. <input type="checkbox"/> Receipt for Facsimile Transmitted CPA (PTO/SB/29A) b. <input checked="" type="checkbox"/> Return Receipt Postcard (should be specifically itemized, See MPEP 503)				
11. <input type="checkbox"/> Other: Petition for Three Months Extension of Time				
12. <input checked="" type="checkbox"/> Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.				
<b><u>NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.</u></b>				
Customer Number 022836				

Please direct all correspondence and telephone calls to the undersigned:

Antoinette F. Konski  
Baker & McKenzie  
660 Hansen Way  
Palo Alto, CA 94304

Telephone: (650) 856-2400  
Facsimile: (650) 856-9299

Respectfully submitted,

Date: July 17, 2000  
By: Antoinette Konski  
Antoinette Konski  
Reg. No. 34,202  
Attorney for Applicant

Baker & McKenzie  
660 Hansen Way  
Palo Alto, CA 94304  
Telephone: (650) 856-2400  
Facsimile: (650) 856-9299

# FEE TRANSMITTAL

**For FY 2000**

*Patent Fees are subject to annual revision.*

*Small entity payments must be supported by a small entity statement otherwise large entity fees must be paid. See Forms PTO/SB/09-12.*

*See 37 C.F.R. §§ 1.27 and 1.28*

JUL 17 2000

*Complete if Known*

Application Number	08/573,569		
Filing Date	December 14, 1995		
First Named Inventor	H. F. Maassab		
Examiner Name	J. Parkin		
Group Art Unit	1641		
TOTAL AMOUNT OF PAYMENT	(\$1,716.00)		
		Attorney Document No.	128019200201

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																		
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p style="text-align: center;"><b>50-0974 BAKER &amp; MCKENZIE</b></p> <p>Deposit Account Number &amp; Deposit Account Name</p> <p><input checked="" type="checkbox"/> Charge any additional fees required under 37 CFR §§ 1.16 and 1.17</p>				<p>3. Additional Fees</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee</td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> </tr> <tr> <td>147</td> <td>2520</td> <td>139</td> <td>2520</td> <td>Filing a request for re-examination</td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Req. publ. of SIR prior to Ex. 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